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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91223542
Party	Defendant Ignyta, Inc.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

PFIZER INC.,)	
)	Opposition No. 91223542
Opposer,)	
)	
v.)	Application Serial Nos. 86412197,
)	86426187
IGNYTA, INC.,)	
)	
Applicant.)	
)	
)	
)	

ANSWER TO CONSOLIDATED NOTICE OF OPPOSITION

Ignyta, Inc. (“Applicant”), by and through its attorneys, Wilson Sonsini Goodrich & Rosati, hereby answers the Consolidated Notice of Opposition against Application Serial Nos. 86412197 and 86426187 as follows:

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1, and on that basis denies those allegations.
2. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2, and on that basis denies those allegations.
3. Applicant admits the allegations in Paragraph 3 insofar as USPTO records show Opposer as the owner of record.
4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegation contained in Paragraph 4 that Registration No. 3349442 is valid, and on that basis denies such allegation. The remainder of Paragraph 4 does not require a response.
5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5, and on that basis denies those allegations.

6. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6, and on that basis denies those allegations.

7. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7, and on that basis denies those allegations.

8. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8, and on that basis denies those allegations.

9. Applicant admits that it adopted the IGNYTA mark and filed applications Serial Nos. 86412197 and 86426187 for the goods and services identified in Paragraph 9, but otherwise lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 9.

10. Applicant admits the allegations contained in Paragraph 10.

11. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11, and on that basis denies those allegations.

12. Applicant denies the allegations contained in Paragraph 12.

13. Applicant admits that the goods and services set forth in the subject applications are identical in part to certain of the goods for which Opposer's INLYTA trademark is registered. Applicant lacks knowledge or information sufficient to form a belief as to whether the goods and services set forth in the subject applications are highly related to the goods for which Opposer's INLYTA trademark is registered. Applicant further lacks knowledge or information sufficient to form a belief as to the goods with which Opposer's INLYTA trademark is used. Applicant denies the remainder of the allegations contained in Paragraph 13.

14. Applicant denies the allegations contained in Paragraph 14.

15. Applicant denies the allegations contained in Paragraph 15.

16. Applicant denies the allegations contained in Paragraph 16.

Applicant is not required to answer the allegations in the final paragraph of the Consolidated Notice of Opposition, which merely describes the relief requested.

AFFIRMATIVE DEFENSES

First Affirmative Defense

17. The Consolidated Notice of Opposition fails to set forth facts sufficient to entitle Opposer to the relief sought.

Second Affirmative Defense

18. Opposer's claims are barred by the equitable doctrines of acquiescence, waiver and estoppel.

Dated: September 29, 2015

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: 

John L. Slafsky

Attorneys for Applicant
IGNYTA, INC.

CERTIFICATE OF SERVICE BY MAIL

I, Elvira Minjarez, declare:

I am employed in Santa Clara County. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California 94304-1050.

I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence would be deposited with the United States Postal Service on this date.

On this date, I served the **ANSWER TO CONSOLIDATED NOTICE OF OPPOSITION** on each person listed below, by placing the document described above in an envelope addressed as indicated below, which I sealed. I placed the envelope for collection and mailing with the United States Postal Service on this day, following ordinary business practices at Wilson Sonsini Goodrich & Rosati.

Paul C. Llewellyn
Kaye Scholer LLP
250 West 55th Street
New York, NY 10019-9710

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Palo Alto, California on September 29, 2015.


Elvira Minjarez